

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: March 16, 2005
Bulk Item: Yes X No

Division: Growth Management
Department: Planning
Staff Contact Person: K. Marlene Conaway

AGENDA ITEM WORDING: Approval for an Affordable Housing Deed Restriction for one dwelling unit from Marx Investment Group. LLC.

ITEM BACKGROUND: On February 9, 2005 the Planning Commission approved an allocation award for the applicant listed below provided the applicant's Affordable Housing Deed Restriction is approved by the BOCC. Marx Investment Group. LLC submitted the Restrictive Covenant to Monroe County. The applicant is receiving a dwelling unit allocation award for the year ending July 13, 2005, has filed the document in accordance with Ordinance No. 47-1999.

PREVIOUS RELEVANT BOARD ACTION: None

CONTRACT/AGREEMENT CHANGES: N/A.

STAFF RECOMMENDATION: Approval.

TOTAL COST: X

BUDGETED: Yes N/A No

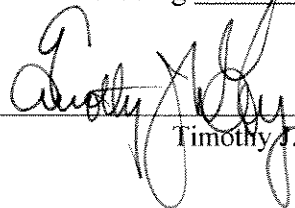
COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes N/A No **AMOUNT PER MONTH** N/A **Year**

APPROVED BY: County Atty X OMB/Purchasing N/A Risk Management N/A

DIVISION DIRECTOR APPROVAL:


Timothy J. McGarry, AICP

DOCUMENTATION: Included X

Not Required

DISPOSITION:

AGENDA ITEM #

M E M O R A N D U M

TO:: Danny Kolhage, Clerk of the Court
FROM: Timothy J. McGarry, Growth Management Director
DATE: March 16, 2005
RE: Clarification of Agenda Item

Affordable Housing

Permit Number	Name on Agenda Item	Name on Restrictive Covenant	Legal Description
04-1-0878	Marx Investment Group. LLC	Marx Investment Group. LLC	Lot 45, Block 7, Indian Mounds Estates, Sugarloaf Key

Prepared by:
Dean Walters
16823 East Point Dr.
Sugarloaf Key, FL 33042

MONROE COUNTY PLANNING DEPARTMENT AFFORDABLE HOUSING DEED RESTRICTION

STATE OF FLORIDA
COUNTY OF MONROE

Notice is hereby given that:

- I. I/We, Marx Investment Group, LLC, the undersigned is/are the sole owner(s) of certain real property, situated, lying and being in Monroe County, State of Florida, described as follows:

Lot(s): 45 , Block: 7, Subdivision: Indian Mounds Estates

Key: Sugarloaf PB: 4-132

(If legal description is metes and bounds, attach a separate sheet)

Real Estate Number: 00170210.000000

- II. The residential unit Building Permit Number is 04-1-0878.
- III. Under the owner-occupied / developer median income affordable housing provisions set for in Chapter 9.5 of Monroe County Land Development Regulations, the owner or owners of the above-described real property have been exempted from payment of "Fair Share Impact Fees" for a (check one): a single-family X, a multi-family unit, , a mobile home to be constructed on said real property.
- IV. The annual adjusted gross income for the owner-occupied or tenant-occupied household does not exceed 100 percent of the median adjusted gross annual income within Monroe County.
- V. Under Monroe County Code Section 9.5-266, the affordable housing dwelling unit is restricted to a maximum of one thousand three hundred (1,300) square of feet habitable space for a period of at least thirty (30) years.

Real Estate No. # 00170210.000000

- VII. The applicant(s) have used the affordable housing program to gain additional points in the permit allocation system pursuant to Monroe County Section 9.5-122.3(6).
- VIII. The covenants shall be effective for thirty (30) years, but shall not commence running until a certificate of occupancy has been issued by the building official for the dwelling unit(s) to which the covenant or covenants apply. This deed restriction shall remain in effect for thirty (30) years regardless of the owner(s) or occupant(s) ability to comply or re-qualify on an annual basis or as otherwise may be required.
- IX. At the time of sale an owner-occupied affordable housing unit, the unit may only be sold to a household within the same class.
- X. All of the restrictions herein shall be binding upon any transferees, lessees, heirs, assigns or successors in the chain of title.

I/we certify that I/we am/are familiar with the information herein contained and that it is true and correct to the best of my knowledge and belief; and I/we will abide by the above stated restrictions pursuant to Monroe County Code Chapter 9.5 as may be amended from time to time.

WITNESSESS:

Odalys mayano
(Signature)

Odalys mayano
(Print/Type Name)

K Windsor
(Signature)
K Windsor
(Print/Type Name)

OWNER OR OWNERS

Dean Walters
(Signature)

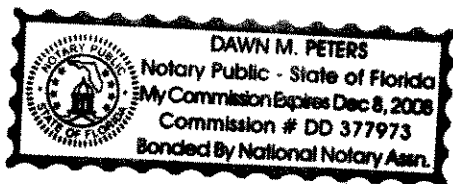
Dean Walters, MARK INVESTMENT GROUP, LLC
(Print/Type Name)

Address: 16823 EAST POINT

SUGARLOAF KEY, FL 33042

The foregoing instrument was acknowledged before me this 10 day of Feb, 2005 A.D. by Dean Walters is/are personally known to me or has produced FL DR LL as identification.

My Commission Expires



Dawn Peters
Notary Public (Signature)

Dawn Peters
Notary Public (Print Name)

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM

Date KW 2-18-05

Real Estate No. # 00170210-000000